

STATEMENT OF PURPOSE

RS23967

On September 18, 2014, Congress passed the Preventing Sex Trafficking and Strengthening Families Act which includes a requirement for all states to enact the 2008 Amendments to the Uniform Interstate Family Support Act (UIFSA) during their 2015 legislative session. UIFSA was developed and drafted through a joint effort of the states and the federal government working with the Uniform Law Commission. UIFSA's goal is to provide consistency between jurisdictions for the recognition and enforcement of support orders.

The 2008 update to UIFSA includes provisions relating to the 2007 Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance and will improve the enforcement of American child support orders abroad. The Hague Convention was convened to attempt to solve multiple administrative problems in getting child support judgments recognized across international boundaries. Long delays in processing orders, complexity, inconsistency, and expensive processes are a few of the issues that currently exist. The primary focus of the United States delegation that negotiated during the Hague Convention was to ensure 1) the protection of due process, 2) more efficient administrative processes, 3) significant reduction of complexity, 4) protection of information security, and 5) standardization of costs for orders and enforcement between signatory countries. The United States has chosen not to finalize and submit its treaty document until all necessary federal and state implementing legislation is in effect.

The language in UIFSA and subsequent proposed additions to Idaho Code ensure that any order or judgement that is incompatible with our standard of due process does not have to be recognized. It also ensures the privacy and protection of all Idaho citizens against foreign laws or orders that put Idaho citizens at risk of their constitutionally protected rights.

FISCAL NOTE

Idaho was notified on April 14, 2015, by the Administration of Children & Families Office of Child Support Enforcement that failure to pass the 2008 UIFSA amendments during the First Regular Session of the 63rd Idaho Legislature put Idaho out of compliance with its Child Support State Plan. Idaho was also notified that it had 60 days from the receipt of that notification to correct this issue or its state plan would be disapproved and all federal child support program payments would cease. If Idaho does not pass the UIFSA amendments by June 12, 2015, the Idaho Child Support Program will also lose over \$16 million in federal funding and all access to federal enforcement tools. These tools include wage withholding, new-hire reporting, the Federal Parent Locator System, federal tax offset, passport denial, and direct collections. With the tools and funding that would remain, Idaho may only be able to receipt and disperse voluntary child support payments. Most enforcement actions and order and judgment establishments will end effective July 1, 2015. Even if the legislature were to fully fund the Idaho Child Support Program with state funds, the loss of these enforcement tools will substantially reduce the amount of support dollars collected and distributed to Idaho families. In 2014, Idaho Child Support collected in excess of \$205 million. Of this amount, Idaho worked with other states and countries to collect more than \$24.5 million for Idaho families, whereas Idaho helped enforce orders in excess of \$11.5 million during that same time frame for other states and countries for children who reside outside of Idaho.

In addition, Section 402(a) of the Social Security Act provides that the state operate a child support enforcement program under an approved IV-D state plan as a condition of eligibility for a Temporary Assistance for Needy Families (TANF) block grant. Therefore, upon disapproval

of Idaho's Child Support State Plan, Idaho's TANF state plan will likely also be disapproved and Idaho will stand to lose over \$30 million in federal funding for programs such as Child Care Assistance, Child Welfare Services, Head Start, cash assistance, work and training programs, and Children's Mental Health services.

There is no negative fiscal impact if this legislation is adopted and enacted before June 12, 2015.



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